

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO**

IN RE:

GREGORY ALLEN BLEA
ISABEL EILEEN BLEA
fka Isabel Eileen Rivera

Debtors.

Case No. 7-19-10520-JA

LIMITED RESPONSE TO MOTION TO SELL

COMES NOW Nationstar Mortgage LLC D/B/A Mr. Cooper (“Creditor”), by and through its attorneys, Rose L. Brand & Associates, P.C. (Andrew Yarrington), and files its response to the Motion to Approve Trustee’s Sale of Real Property. As grounds therefore, the Movant, states:

1. Philip J. Montoya (Trustee) is the Chapter 7 Trustee assigned in this bankruptcy case.
2. Trustee filed their Motion to Approve Trustee’s Sale of Real Property (the “Motion”) on August 22, 2019 (Doc 31)
3. Pursuant to the Short Sale Approval – Payoff Letter the required minimum payoff amount is \$79,278.27, and closing must be completed by September 23, 2019. See Exhibit A.

WHEREFORE, Creditor respectfully requests the Court enter an Order:

- A. Granting the Trustee’s Motion provided the Conditions of the Short Sale approval can be met;
- B. Granting any other relief the Court deems just and proper.

ROSE L. BRAND & ASSOCIATES, P.C.

By /s/ Andrew P. Yarrington

ANDREW YARRINGTON

Attorney for Creditor

7430 Washington Street, NE

Albuquerque, NM 87109

Telephone: (505) 833-3036

Andrew.Yarrington@roselbrand.com

I hereby certify that a copy of the foregoing pleading was sent via CM/ECF Filer automatic e-mail notification to the US Trustee and any party who filed a Request for Notice with the Court for electronic notification, in addition to the Attorney and Trustee listed below, and mailed by first class mailing, postage prepaid, to Debtors listed below:

Michael K. Daniels
Attorney for Debtors

P.O. Box 1640

Albuquerque, NM 87103-1640

Telephone: (505) 246-9385

mike@mdanielslaw.com

Philip J. Montoya

Chapter 7 Trustee

1122 Central Ave SW Ste #3

Albuquerque, NM 87102

Telephone: (505) 244-1152

Gregory Allen Blea

Isabel Eileen Blea

Debtors

8214 Krim Dr. NE

Albuquerque, NM 87109

on this 11th day of September, 2019.

/s/ Mitchell Billings

MITCHELL BILLINGS, Paralegal



Copy

Freddie Mac

8250 Jones Branch Drive
McLean, VA 22102-3110

(please do not send check to this address)

Date: August 20, 2019

To: NATIONSTAR MORTGAGE LLC DBA MR. COOPER
Attn: SONYA BLEVINS

Re: Short Payoff Approval - Payoff Letter
Freddie Mac Loan No. [REDACTED]
Servicer Loan No. [REDACTED]
Borrower(s) Name ISABEL BLEA
Property Address 7401 FRANK PL NE
ALBUQUERQUE, NM 87109-0000

Dear SONYA BLEVINS,

Freddie Mac has approved the sale of the above property which will result in a short payoff of the mortgage. Our approval is based on the contract of sale between ISABEL BLEA and MELISSA JONES dated 06/10/2019. This letter constitutes our instructions to the closing agent/settlement attorney. As such, this approval is conditioned on a short payoff by the borrower which meets the following criteria:

1. The required minimum payoff amount is \$79,278.27 (please send check to NATIONSTAR MORTGAGE LLC DBA MR. COOPER at , , unless otherwise indicated). Closing must be completed no later than 09/23/2019 or by the date of the foreclosure sale, if one is set, whichever is earlier. This amount and this date are firm.
2. The borrower must pay the following amounts in certified funds to the settlement agent:
 - a. A cash contribution in the amount of \$0.00.
 - b. Payment of \$0.00 towards seller's closing costs.

Both the cash contribution and the payment toward closing costs must be reflected in the credit section of the Settlement Statement. These amounts are calculated in the minimum payoff amount. In the event the net proceeds from the sale exceed the minimum payoff amount, then all such excess amounts must be remitted to Freddie Mac. The borrower's cash contribution and payment of seller's closing costs may not be reduced.

3. The borrower must execute a modified personal promissory note in the form of a Modification of Note for \$0.00 payable to Freddie Mac (form attached). You must properly document this note and provide all disclosures and notices, if any, required under law.
4. Neither the borrower nor any other party may receive any sales proceeds or any other funds as a result of this transaction, except as noted under section 9. The contributions by the borrower in cash or by note may not be reduced if the sales proceeds exceed the required minimum payoff. If the combined amounts of the sales proceeds and the contributions total more than the amount of the mortgage, then contact Freddie Mac for further instructions. The borrower must assign to Freddie Mac any rights to escrowed funds, insurance proceeds or refunds from pre-paid expenses.

5. The borrower may not incur any obligations for repairs or expenses which would reduce the required minimum payoff amount. Our minimum payoff already takes into account the repairs, if any, which must be performed. All repairs are the responsibility of the borrower.
6. The sales contract may not be amended in any manner which would reduce the net sales proceeds without Freddie Mac's consent. The sales price may not be increased to meet the required minimum payoff amount or to reduce the cash and/or note contribution without Freddie Mac's consent.
7. The purchaser of the property may not be related in any way to the borrower. Any relationship between a participating broker and the borrower or purchaser must be disclosed and approved by Freddie Mac. This transaction may not involve any third party who receives a deed from the borrower at, prior to or after this closing and before the recording of the deed to the purchaser. The borrower named above must convey title directly to the purchaser named in the sales contract.
8. MAXIMUM SELLER'S CLOSING COSTS (See attachment for details.)
9. REQUIRED MINIMUM PAYOFF

\$98,000.00	Sales price
\$18,721.73	Less seller's closing costs
\$0.00	Plus borrower's cash contribution (may not be reduced)
<u>\$0.00</u>	Plus borrower's contribution toward closing costs (may not be reduced)
\$79,278.27	TOTAL REQUIRED MINIMUM PAYOFF (any excess must be remitted to Freddie Mac)
10. This Approval is subject to any conditions the Mortgage Insurance Company may have regarding this transaction.
11. ADDITIONAL COMMENTS: 8/20/2019 WS NG13 - File Re-Approved with additional 7500.00 Trustee Fee for BK GLOBAL FILE

Please contact Freddie Mac if you have any questions regarding this approval.

Sincerely,

Jonathan Nolte
Non-Performing Loans Department
Single Family Division

Freddie Mac

8200 Jones Branch Drive
McLean, VA 22102-3110

Date: August 20, 2019

To: NATIONSTAR MORTGAGE LLC DBA MR. COOPER
Attn: SONYA BLEVINSRe: Pay Off Approval Attachment
Freddie Mac Loan No. [REDACTED]
Servicer Loan No. [REDACTED]
Borrower(s) Name BLEA
Property Address 7401 FRANK PL NE
ALBUQUERQUE, NM 87109-0000**MAXIMUM SELLER'S CLOSING COST:**

505	Payoff of second mortgage loan	\$0.00
506	Borrower Relocation Incentive	\$0.00
507	final water/trash	\$900.00
508		\$0.00
509		\$0.00
510	City/town taxes	\$0.00
511	County taxes	\$1,000.79
512	Assessments	\$0.00
513		\$0.00
514		\$0.00
515		\$0.00
516		\$0.00
701	Seller Agent	\$3,920.00
702	Buyer Agent	\$1,960.00
801	Loan Origination Fee	\$0.00
802	Loan Discount	\$0.00
803	Appraisal Fee	\$0.00
804	Credit Report	\$0.00
805	Lender's Inspection Fee	\$0.00
806	Mortgage Insurance Application Fee	\$0.00
807	Assumption Fee	\$0.00
808	Tax Service Contract	\$0.00
809	Funding Fee (FHA/VA)	\$0.00
810	Processing Fee	\$0.00
811	Misc. FHA/VA Fees	\$0.00

812		\$0.00
813		\$0.00
901	Interest	\$0.00
902	Mortgage Insurance Premium	\$0.00
903	Hazard Insurance Premium	\$0.00
904	Flood Insurance Premium	\$0.00
905	CLOSING COORDINATION TO OCEAN	\$395.00
1001	Hazard Insurance	\$0.00
1002	Mortgage Insurance	\$0.00
1003	City Property Taxes	\$0.00
1004	County Property Taxes	\$0.00
1005	Annual Assessments	\$0.00
1006	Flood Insurance	\$0.00
1007	title committment	\$100.00
1008	title e recording	\$20.00
1101	Settlement or Closing Fee	\$564.19
1102	Abstract or Title Search	\$50.00
1103	Title Examination	\$0.00
1104	Title Insurance Binder	\$0.00
1105	Document Preparation	\$0.00
1106	Notary Fees	\$0.00
1107	Attorney's Fees	\$0.00
1108	Title Insurance	\$741.00
1111	Reconveyance/Tracking Fee	\$0.00
1112	Wire Transfer Fee	\$15.00
1113	FLOOD ZONE	\$20.00
1114	MUNCIPAL LIEN SEARCH	\$400.00
1115	TAX SERVICE FEE	\$85.00
1201	Recording Fees	\$100.00
1202	City/County Tax/Stamps	\$0.00
1203	State Tax/Stamps	\$0.00
1204	TRUSTEE LIABILITY INSUR TO PHI	\$650.00
1205	title notification	\$35.00
1301	Survey	\$0.00
1302	Pest Inspection	\$0.00
1303	title survey	\$215.75
1304	title assessment	\$50.00
1305	title owenrs title insur	\$0.00
1306	bankrptcy estate fee	\$7,500.00
	Total Maximum Seller's Closing Cost	\$18,721.73